

AUTHORIZING THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION TO CARRY OUT CONSTRUCTION ACTIVITIES

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5105, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5105) to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5105) was read the third time and passed.

PERMITTING CHURCH PENSION PLANS TO BE INVESTED IN COLLECTIVE TRUSTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1533, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1533) to amend the securities laws to permit church pension plans to be invested in collective trusts.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3948) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 2, strike lines 17 through 22 and insert the following:

“(2) by striking ‘other than any plan described in clause (A), (B), or (C)’ and inserting the following: ‘or (D) a church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, other than any plan described in subparagraph (A), (B), (C), or (D)’.”

The bill (H.R. 1533), as amended, was read the third time and passed.

RAIL SECURITY ACT OF 2004

Mr. FRIST. I ask unanimous consent that the Senate proceed to the imme-

mediate consideration of Calendar 536, S. 2273.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2273) to provide increased rail transportation security, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Rail Security Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Rail transportation security risk assessment.

Sec. 3. Rail security.

Sec. 4. Study of foreign rail transport security programs.

Sec. 5. Passenger, baggage, and cargo screening.

Sec. 6. Certain personnel limitations not to apply.

[Sec. 7. Fire and life safety improvements.

[Sec. 8. Transportation security.]

Sec. 7. *Fire and life-safety improvements.*

Sec. 8. *Memorandum of agreement.*

Sec. 9. Amtrak plan to assist families of passengers involved in rail passenger accidents.

[Sec. 10. System-wide Amtrak security upgrades.]

Sec. 10. *Systemwide Amtrak security upgrades.*

Sec. 11. Freight and passenger rail security upgrades.

[Sec. 12. Department of Transportation oversight.]

Sec. 12. *Oversight and grant procedures.*

Sec. 13. Rail security research and development.

Sec. 14. Welded rail and tank car safety improvements.

Sec. 15. Northern Border rail passenger report.

Sec. 16. *Report regarding impact on security of train travel in communities without grade separation.*

Sec. 17. *Whistleblower protection program.*

SEC. 2. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Secretary of Transportation, shall complete a vulnerability assessment of freight and passenger rail transportation (encompassing [rail carriers,] *railroads*, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment shall take into account actions taken or planned by both pub-

lic and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying [weapon detection equipment;] *equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate counter-measures;*

(C) training employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term [economic impact] *costs* of measures that may be required to address those risks.

(4) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(B) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary of Homeland Security for Border and Transportation Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, *first responders*, shippers of hazardous materials, public safety officials (including those within other agencies and offices within the Department of Homeland [Security]) *Security*, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Under Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report containing the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-YEAR UPDATES.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security \$5,000,000 for fiscal year 2005 for the purpose of carrying out this section.